

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RIMINI STREET, INC., a Nevada Corporation;

Plaintiff,

v.

ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Defendant.

Case No. 2:14-cv-1699-LRH-CWH

ORDER

ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION,

Counter-claimants,

v.

RIMINI STREET, INC.; and SETH RAVIN, an
individual,

Counter-defendants.

Before the court is counter-claimants Oracle America, Inc. and Oracle International Corporation's (collectively "Oracle") motion for reassignment of action to Magistrate Judge Peggy Leen. ECF No. 304. Counter-defendants Rimini Street, Inc. ("Rimini Street") and Seth Ravin ("Ravin") filed an opposition to the motion (ECF No. 315) to which Oracle replied (ECF No. 327).

1 **I. Facts and Procedural Background**

2 This action was originally assigned to Magistrate Judge Peggy Leen. On May 2, 2016,
3 Attorney West Allen, counsel for counter-defendants, was appointed as chairperson of the merit
4 selection panel considering Magistrate Judge Leen's reappointment as a magistrate judge. To
5 avoid any appearance of conflict arising from the Allen appointment, Magistrate Judge Leen
6 recused herself from this action. ECF No. 224. Magistrate Judge Carl Hoffman was then
7 assigned as the magistrate judge for this action. ECF No. 225. Subsequently, the merit selection
8 panel considering Magistrate Judge Leen's reappointment completed its process and the District
9 Court for the District of Nevada approved Magistrate Judge Leen's appointment as magistrate
10 judge to a new term. Thereafter, Oracle filed the present motion to reassign this matter to
11 Magistrate Judge Leen. ECF No. 304.

12 **II. Discussion**

13 In its motion for reassignment, Oracle contends that Magistrate Judge Leen's recusal
14 from this action was "temporary" and only for the duration of the reappointment process. *See*
15 ECF No. 304. The court disagrees. Magistrate Judge Leen's recusal was "for all further
16 proceedings" in this action. *See* ECF No. 224. Further, the court views judicial recusal of any
17 judge as a final act. The court commends all of the extraordinary work that both Magistrate
18 Judge Leen and Magistrate Judge Hoffman have done in this action, but there is no basis to
19 reassign this case from the current magistrate judge. Therefore, the court shall deny Oracle's
20 motion for reassignment.

21
22 IT IS THEREFORE ORDERED that counter-claimants' motion for reassignment
23 (ECF No. 304) is DENIED.

24 IT IS SO ORDERED.

25 DATED this 16 day of November, 2016.

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28 LARRY R. HICKS
 UNITED STATES DISTRICT JUDGE